Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

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No.....

In The Supreme Court of The United States

OCTOBER TERM, 1974

COMMONWEALTH OF MASSACHUSETTS BOARD OF RETIREMENT; ROBERT Q. CRANE, ANGELO AMATO and J. JOSEPH MALONEY, JR., as They are Members of the COMMONWEALTH OF MASSACHUSETTS BOARD OF RETIREMENT; JAMES W. CALLANAN, Executive Secretary of the COMMONWEALTH OF MASSACHUSETTS BOARD OF RETIREMENT; and JOHN F. KEHOE, JR., COMMISSIONER OF PUBLIC SAFETY of the COMMONWEALTH OF MASSACHUSETTS,

Appellants,

v.

ROBERT D. MURGIA,

Appellee.

ON APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMICUS CURIAE BRIEF OF STATE POLICE ASSOCIATION OF MASSACHUSETTS IN SUPPORT OF APPELLANTS

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In The Supreme Court of The United States

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PRELIMINARY STATEMENT

Pursuant to Supreme Court Rule 42, consent of the parties having been obtained, the State Police Association

of Massachusetts files this Brief as Amicus Curiae in support of the Appellants prior to the Court's consideration of the Jurisdictional Statement.

QUESTION PRESENTED

Whether the Massachusetts statute mandating the retirement of a State Police officer upon reaching the age of fifty is constitutional?

STATEMENT OF INTEREST OF STATE POLICE ASSOCIATION OF MASSACHUSETTS

The State Police Association of Massachusetts (hereafter Association) is the certified and recognized collective bargaining agent and representative of and for the 861 members of the Uniformed Branch of the Massachusetts State Police in and holding the ranks of Trooper, Policewoman, Corporal, Sergeant and Staff Sergeant. The total complement of the Uniformed Branch is 915, of which number 54 are in the ranks of Lieutenant, Captain, Major, Lieutenant Colonel and Deputy Superintendent.

The Association filed an amicus curiae brief in the United States District Court for the District of Massachusetts in support of Appellants.

The Association's interest in the mandatory retirement statute is to maximize the physical capability of members of the Uniformed Branch, to assure increased promotion opportunities, and, thereby, to advance and encourage employee morale and incentive.

STATEMENT OF THE CASE AND JURISDICTION

The Association, as Amicus Curiae, hereby adopts the Statement of the Case of the Appellants, as well as their Statement of Jurisdiction.

THE QUESTION IS SUBSTANTIAL

The Association joins with the Appellants in stating that the holding of the court below — that the mandatory retirement of state police officers at the age of fifty contravenes the constitution of the United States — presents a substantial question requiring plenary consideration by this Court. Therefore, the Association respectfully urges this Court to consider the merits of Appellants' appeal, to note probable jurisdiction, and to set the case down for argument.

Respectfully submitted,

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Attorneys for the State Police Association of Massachusetts, as Amicus Curiae